trolling the use of his property is placed upon him. *State* v. *One Lexington Automoible* (Ala. 1920) 84 So. 297; *State* v. *Crosswhite* (Ala. 1920) 84 So. 813. This view seems consonant with justice and at the same time as consistent with the effective enforcement of liquor laws as the harsh result reached in the instant case.

MASTER AND SERVANT—WORKMEN'S COMPENSATION—EMPLOYER AS EMPLOYEE.—The claimant, whose only duty as president and treasurer of the defendant corporation was to preside at directors' meetings, owned ten per cent. of the stock and received a weekly salary of $35.00. He worked about the factory in the same way as any of the corporation's other employees and a premium was paid to the defendant insurer on his salary as on that of the factory workers. Checks were signed by the manager and not by the claimant treasurer. *Held,* two judges dissenting, the claimant could not recover under the Workmen's Compensation Law. *Skouitchi* v. *Chic Cloak & Suit Co.* (App. Div. 3rd Dept. 1920) 183 N. Y. Supp. 321.

The amendment to the Workmen's Compensation Law, N. Y., Laws of 1916, c. 622, § 54, subd. 6, permitting employers who performed labor incidental to their office to come within the provisions of the law, required that there be an estimate of their separate wage value as a basis for computing premiums. The plaintiff had not complied with this provision. In *Hubbs* v. *Addison Electric Lt. etc. Co.* (1920) 191 App. Div. 765, 182 N. Y. Supp. 152, relied on by the dissenting judges, there was exact compliance with the above provision. In the instant case, having failed to comply with the amended provision, it was necessary that the claimant, in order to recover, show that he was not merely an employer doing labor incidental to his office but that the relation of employer and employee existed between the corporation and himself. Of course, the mere fact that one is an employer does not preclude his being an employee of the same corporation. *In re Raynes* (Ind. 1917) 118 N. E. 387. The majority of the court thought the instant case controlled by *Bowne* v. *S. W. Bowne Co.* (1917) 221 N. Y. 28, 116 N. E. 364, where the claimant was the president of the corporation and had no duties outside of those ordinarily performed by such an officer. The minority thought *Berman* v. *Reliance Metal etc. Co.* (1919) 187 App. Div. 816, 175 N. Y. Supp. 838, controlled. There the claimant aside from his duties as treasurer was also superintendent of the power plant. In the former case, recovery was denied and in the latter, allowed. The claimant in the instant case owned a very small part of the corporate stock. And while his duties as president and treasurer were merely nominal, he worked about the factory just as any of the corporation's hired laborers, shipping, checking, cleaning and examining garments. It is, therefore, difficult to draw any other conclusion than that the money received by him weekly was paid to him for those services. *Cf. In re Raynes, supra.* A survey of the facts indicate that the claimant was essentially an employee, contrary to the majority holding.

MUNICIPAL CORPORATIONS—PARK PURPOSE—EDUCATIONAL INSTITUTION.—The defendant Park Commissioner leased the Arsenal Building in Central Park to the defendant Safety Institute of America, Inc., a corporation chartered to promote safety and sanitation by public exhibitions. In a taxpayer's suit to enjoin the execution of the lease, *held,* the purposes of the Safety Institute of America, Inc., although public,

educational and humanitarian, were in no sense park purposes. The injunction was granted. *Williams* v. *Gallatin* (1920) 229 N. Y. 248, 128 N. E. 121.

The instant case reverses the decision of the Appellate Division of the Supreme Court, *Williams* v. *Gallatin* (1920) 191 App. Div. 171, 181 N. Y. Supp. 91. It adopts the view recognized to be sound in a discussion in (1920) 20 Columbia Law Rev. 687, 691, criticizing the conclusion reached by the lower court.

NATURALIZATION—CANCELLATION OF NATURALIZATION CERTIFICATE—FRAUD.—The United States sued the defendant, a native of Germany, under (1906) 34 Stat. 596, 601, U. S. Comp. Stat. (1916) § 4374 to cancel a certificate of naturalization granted in 1904. The government adduced evidence of the defendant's disloyal attitude during the war with Germany, and contended therefrom that his renunciation of foreign allegiance at the time of his naturalization was attended with a mental reservation and constituted a fraud upon the United States. The defendant entered a denial of fraud. From a decree cancelling his certificate of naturalization, the defendant appealed. *Held,* the decree will be affirmed. *Schurmann* v. *United States* (C. C. A. 1920) 264 Fed. 917.

The Act of 1906 clearly applies to the instant case. *United States* v. *Wusterbarth* (D. C. 1918) 249 Fed. 908; *United States* v. *Darmer* (D. C. 1918) 249 Fed. 989; *United States* v. *Kramer* (C. C. A. 1919) 262 Fed. 395. The act derives its validity from Art. I, sec. 8 § 4 of the Constitution. *Johannessen* v. *United States* (1911) 225 U. S. 227, 32 Sup. Ct. 613; *United States* v. *Ginsburg* (1916) 243 U. S. 472, 37 Sup. Ct. 422. The application of the act to certificates of naturalization granted prior to its enactment is not invalid as an *ex post facto* law since its operation is not punitive. *Johannessen* v. *United States, supra.* Nor does the principle of *res judicata* preclude the government from re-opening the matter by direct attack, since the naturalization proceeding was *ex parte. Johannessen* v. *United States, supra; United States* v. *Spohrer* (C. C. 1910) 175 Fed. 440; Moore, 4 Digest International Law (1906) § 422; but *cf. United States* v. *Gleason* (C. C. A. 1898) 90 Fed. 778. A decree of naturalization is in the nature of a grant and may therefore be annulled for fraud. *Johannessen* v. *United States, supra; Luria* v. *United States* (1913) 231 U. S. 9, 34 Sup. Ct. 10. The offer of proof of disloyal utterances of the defendant, thirteen years after his naturalization, should have been refused as altogether too speculative and remote in its relevancy to the defendant's state of mind at that time. Under certain circumstances, subsequent conduct may be shown as probative of one's state of mind at a prior date. Wigmore, Evidence (1904) § 395; *Thayer* v. *Thayer* (1869) 101 Mass. 111. However such conduct must be reasonably proximate to the act in point of time and connection to have any weight as evidence. *State* v. *Kelly* (1904) 77 Conn. 266, 58 Atl. 705; see *Thayer* v. *Thayer, supra.* In the analogous action to set aside a patent for fraud, the government must furnish clear, unequivocal and convincing proof. *United States* v. *Bell Tel. Co.* (1897) 167 U. S. 224, 251, 17 Sup. Ct. 809. In the instant case, the proof offered had no such logical and probative force as to make out even a *prima facie* case.

PLEADING AND PRACTICE—INCONSISTENT CAUSES OF ACTION IN SAME COMPLAINT—CONTRACT AND TORT.—The plaintiff, induced by the false representation of the defendant that he had an export license, chartered